IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI.W.P.NO.942 OF 2006

Pravin Sudam Waghmare ..Petitioner

Vs.

The State of Maharashtra
and Ors. ..Respondents

....

Mr.Arfan Sait, Advocate for Petitioner
Mrs.U.V.Kejariwal, A.P.P. for State

....

CORAM: D.G.DESHPANDE AND
SMT.V.K.TAHILRAMANI,JJ.
DATE : APRIL 25,2006

ORAL ORDER (PER SMT.V.K.TAHILRAMANI,J.):

1. Heard Mr.Arfan Sait, the learned advocate for the petitioner and Mrs.Kejariwal, the learned A.P.P. for the State. Rule. By consent, rule is made returnable forthwith.

2. The petitioner came to be released on parole for a period from 2.6.2005 to 1.7.2005. The said period of parole was extended upto 31.7.2005. On 30.8.2005 i.e. after more than one month thereafter, the petitioner surrendered to jail. On account of overstay for a period of one month of the petitioner, his remission came to be cut under

the provisions of Prison Manual. Remission of one 150 days came to be cut for 30 days of overstay i.e. for each day of overstay, remission of five days came to be cut.

3. Mr.Sait submitted that though the petitioner was to surrender to 31.7.2005, due to unprecedented rains on 26.7.2005, the petitioner could not surrender to jail on 1.8.2005. During these unprecedented rains, the petitioner's house was completely flooded with water and petitioner suffered heavy financial losses. As the house of the petitioner was completely flooded with water, the petitioner had to get his house repaired. Immediately after repairing the house, the petitioner himself surrendered back to the jail authorities.

4. It is an admitted fact that on 26.7.2005 there were unprecedented rains which had led to widespread loss of life and property. It is only on account of this unprecedented rains and the damage and loss caused thereto, the petitioner could not surrender to jail back in time. The petitioner has also annexed the certificate given

by the Sarpanch of his village wherein it is stated that on account of unprecedented rains, the village was cut of from all communications and transport services. So also all the activities of the village came to standstill.

5. Looking to these facts, we are inclined to reduce the imprisonment imposed on the petitioner of cutting remission of five days for each day of overstay to cutting of two days of remission for each day of overstay.

6. Rule is made absolute in the above terms. Petition is disposed of.

[D.G.DESHPANDE, J.]

[SMT.V.K.TAHILRAMANI,J.]